

**UNITED STATES DISTRICT COURT  
for the  
EASTERN DISTRICT OF NORTH CAROLINA**

**U.S.A. vs. Zachary Caine Tart**

**Docket No. 5:13-CR-252-1H**

**Petition for Action on Supervised Release**

COMES NOW Michael C. Brittain, Senior U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of, Zachary Caine Tart, who, upon an earlier plea of Conspiracy to Commit Wire Fraud in violation of 18 U.S.C. § 1349 and Wire Fraud in violation of 18 U.S.C. § 1343, was sentenced by the Honorable Max O. Cogburn Jr., U.S. District Judge, on June 22, 2012, to the custody of the Bureau of Prisons for a term of 30 Months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 36 Months under the standard conditions adopted by the court and the following additional conditions:

1. Throughout the period of supervision, the probation officer shall monitor the defendant's economic circumstances and shall report to the court, with recommendations as warranted, any material changes that affect his ability to pay any court ordered penalties.

Zachary Caine Tart was released from custody on 6/12/2013, at which time the term of supervised release commenced. Jurisdiction was transferred from the Western District of North Carolina to the Eastern District of North Carolina on September 6, 2013.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE  
AS FOLLOWS:**

Mr. Tart tested positive for marijuana in a urinalysis sample that was submitted November 14, 2013. The court was notified and Mr. Tart was placed in the Moral Reconciliation Group facilitated by the probation office on December 5, 2013. Mr. Tart failed to submit urinalysis samples as scheduled on February 25, March 7, March 10, and April 3, 2014. On April 23, 2014, Mr. Tart was confronted with the missed urinalysis tests and signed an admission of use form admitted that he had used marijuana on April 20, 2014. He was placed in the HOPE Program and restarted in the Moral Reconciliation Group. In addition he was enrolled in outpatient substance abuse treatment at First Step Services in Raleigh, NC. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

**PRAYING THAT THE COURT WILL ORDER** that supervised release be modified as follows:

1. While under supervision in the Eastern District of NC, the defendant shall participate in the DROPS Program and, in response to detected illegal drug use, shall be confined in the custody of the Bureau of Prisons for a period not to exceed 30 days of intermittent confinement, as arranged by the probation office, in the following increments: First Use - Two Days; Second Use - Five Days; Third Use - Ten Days.
2. The defendant shall participate in a cognitive behavioral program as directed by the probation office.

Except as herein modified, the judgment shall remain in full force and effect.

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Michael C. Brittain

Michael C. Brittain

Senior U.S. Probation Officer

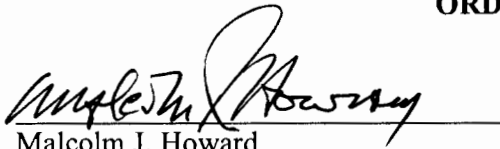
310 New Bern Avenue, Room 610

Raleigh, NC 27601-1441

Phone: 919-861-8674

Executed On: April 25, 2014

**ORDER OF THE COURT**



Malcolm J. Howard

Senior U.S. District Judge

7/28/14